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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,530	01/04/2001	Gerald A. Lavallee	21423	2547
24932	7590	04/26/2004	EXAMINER	
LAW OFFICE OF LAWRENCE E LAUBSCHER, JR 1160 SPA RD SUITE 2B ANNAPOLIS, MD 21403			LEE, EDMUND H	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,530

Applicant(s)

LAVALLEE, GERALD A.

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giza (USPN 4959000) in view of Dickson et al (USPN 2361348) as set forth in the previous Office action mailed 12/18/03.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giza (USPN 4959000) in view of Dickson et al (USPN 2361348) and JP 6-315949. Giza teaches the basic claimed mold including an injection mold for applying a cover layer to golf balls (col 4, Ins 2-49; figs 2 and 5); upper and lower support plates each containing at least one hemispherical cavity (col 4, Ins 2-49; figs 2 and 5); the upper and lower hemispherical cavities being adapted to mate to define at least one spherical cavity when the plates are brought together (col 4, Ins 2-49; figs 2 and 5); a plurality of retractable core pins arranged in the lower support plates and extendable into each of the lower hemispherical cavities for supporting a core of a golf ball within the spherical cavity (col 4, Ins 2-49; figs 2 and 5); and means for supplying fluid thermoplastic material to each of the cavities to form a cover on the golf ball core, the supplying means including a valve pin arranged in gate in the upper plate in a center of the upper hemispherical cavity adjacent to a pole of the golf ball formed in the cavity, the valve pin being operable between a second position wherein the pin is retracted into the upper

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support plate out of contact with the core to allow unrestricted flow of the thermoplastic material to fill the cavity, and a third position wherein the pin closes the gate to stop the supply of the thermoplastic material into the cavity (col 4, lns 2-49; figs 2 and 5).

However, Giza does not teach a valve pin including a lower end having a diameter corresponding with an opening in the gate and a narrow portion above the lower end having a diameter less than the diameter of the lower end; a first position wherein the pin extends into the cavity to engage the core and to allow thermoplastic material to enter the cavity past the valve pin narrow portion and through the gate opening to surround the core. Dickson et al teaches an injection mold for applying a cover layer to golf balls (figs 1-2); and gate pins that extend into the mold cavity to support the golf ball core and to allow filling of the mold cavity with a cover material (figs 1-2). Giza and Dickson et al are combinable because they are analogous with respect to forming golf ball by using an injection mold that flows cover material past a pin into the mold cavity. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the valve pin of Giza to also act as a support pin as taught by Dickson et al in order to ensure proper positioning of the golf ball core of Giza. JP 6-315949 teaches a valve pin that extends into a molding cavity including a lower end having a diameter corresponding with an opening in a gate and a narrow portion above the lower end having a diameter less than the diameter of the lower end. Giza and JP 6-315949 are combinable because they are analogous with respect to valve pins. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to design the valve pin of Giza to have a lower end having a

diameter corresponding with an opening in a gate and a narrow portion above the lower end having a diameter less than the diameter of the lower end as taught by JP 6-315949 in order to improve flow of the thermoplastic material into the molding cavity.

4. Applicant's arguments filed 2/17/04 have been fully considered but they are not persuasive. Applicant argues Dickson et al fills the molding cavity after the pins have been retracted. Applicant has misunderstood Dickson et al because it is clear from reading the specification of Dickson et al that the core is first centralized by the pins and then material is flowed past the pins into the molding cavity in order to encapsulate the core. Dickson et al also teach retracting the pins from the molding cavity once the core has been encapsulated in order to prevent the creation of pin holes in the cover layer. See pg 3, col 1, lns 14-24, 34-40, and 45-51; pg 3, col 2, lns 14-22.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EHL

EDMUND H. LEE
Primary Examiner
Art Unit 1732


4/22/04